Conference on Disarmament

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Final record of the one thousand three hundred and sixty-fifth meeting
Held at the Palais des Nations, Geneva, on Friday, 21 August 2015, at 10.10 a.m.

President: Mr. Henk Cor van der Kwast ..... (Netherlands)

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The President: I call to order the 1365th plenary meeting of the Conference on Disarmament. At my request, the secretariat has circulated an exchange of letters between the Ambassador of Sri Lanka and myself regarding a change of the date of the second informal meeting on agenda item 4, negative security assurances, under the schedule of activities adopted as CD/2021. Would the Ambassador of Sri Lanka like to take the floor on this or do you want to move on, Ambassador, on this basis?

Mr. Aryasinha (Sri Lanka): Mr. President, just to explain the rationale of our request, this is following a meeting I had with Ambassador Higgie of New Zealand, and her deadlines for the submission of the draft report, and we felt that if we can finish the session of next Thursday and Friday, that will give one week's time, rather than having to rush it through from the 3rd to the 7th, which will give greater consideration, and that is the reason we thought if member States agree, we could have back-to-back sessions on this subject. But I leave it in your hands.

The President: Thank you very much, Mr. Ambassador, for this clarification. And now I would like to know whether there are any objections to having the informal meetings on agenda 4 of the schedule of activities on the following dates: 27 and 28 August. I see no objections, so it is so decided.

I have also asked the secretariat to circulate an e-mail which details the proposal for today's discussion. As you know, the main aim of the Netherlands presidency of the Conference on Disarmament was to fight for more room for informal discussions as a means to search for common ground with a view to taking the Conference forward. In the formal and the informal meetings under our presidency, many suggestions have been made by delegations and experts for possible ways forward for the Conference. We have, for example, identified, in the absence of agreement on which treaty should be negotiated, first, the Conference could consider the possibility of elaborating elements of treaties that have to be negotiated in the future. Examples are the issues related to transparency or verification. Two, consideration by the Conference of First Committee resolutions that contain action to be taken by the Conference or are related to the Conference. Three, consideration of negotiating politically binding measures — we have discussed that before. Four, as suggested in the report of the informal working group, the Conference, if agreed, could continue to consider holding structured in-depth deliberations with great specificity and allocation of time on agenda items including through the participation of scientific and technical experts on specific topics, to enhance understanding and common ground beneficial to future negotiations that the Conference could undertake.

Many more suggestions have been made, and as this is the last session under our presidency (and I know that some of you are relieved by that), I would like to discuss suggestions for a possible way forward, for example the points suggested above. But we are also, of course, open to your input. I suggest, following requests from different delegations, that we first have a formal meeting which would be then followed by informal meetings. But first of all for today, I give the floor to the Ambassador of Indonesia, who will speak on behalf of the Group of 21.

Mr. Wibowo (Indonesia): I have the honour to deliver the following statement on behalf of the Group of 21. At the outset, Mr. President, the Group wishes to congratulate you on your assumption of the presidency of the Conference on Disarmament.

The Group of 21 reiterates that the Conference is the single multilateral negotiating body on disarmament, and in this context, the Group stresses that its highest priority on the Conference agenda is nuclear disarmament. The Group reiterates its deep concern at the danger posed to the survival of humankind by the continued existence of nuclear weapons and their possible use or threat of use. As long as nuclear weapons exist, the risk of their use and proliferation will remain.

The Group reiterates its position as conveyed in its previous statement to the Conference and recalls the final documents of the Tenth Special Session of the General Assembly, the first special session on disarmament, and the very first resolution of the United Nations General Assembly of 1946, adopted unanimously, which called for the elimination of nuclear weapons from national arsenals.

The members of the Group which are members of the Non-Aligned Movement recall the 2012 Tehran Summit Declaration and final document of the Non-Aligned Movement, and the declaration of the 17th Ministerial Conference of the Non-Aligned Movement, held in Algeria on 28 and 29 May 2014.

Furthermore, the International Court of Justice, in its advisory opinion of 1996, concluded that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. In this regard, the Group recalls its strong support for United Nations General Assembly resolution 69/43, entitled "Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons."

The Millennium Declaration in 2000 also reaffirmed the commitment of Member States of the United Nations to strive for the elimination of weapons of mass destruction, in particular nuclear weapons.

The Group welcomes the formal proclamation of Latin America and the Caribbean as a zone of peace, on the occasion of the second summit of the Community of Latin American and Caribbean States (CELAC), held in Havana, Cuba, on 28 and 29 January 2014. The 33 member countries of CELAC declared the promotion of nuclear disarmament as a priority goal, thus contributing to general and complete disarmament and the strengthening of trust among nations. CELAC once again reiterated its standing commitment to continue working for Latin America and the Caribbean to remain and be strengthened as a zone of peace, thereby contributing to regional and international security.

The Group, while noting the steps taken by nuclear-weapon States for the reduction of their arsenals, reiterates its deep concern over the slow pace of progress towards nuclear disarmament and the lack of progress by nuclear-weapon States towards accomplishing the total elimination of their nuclear arsenals. The Group stresses the importance of effective implementation of concrete measures leading to a nuclear-weapon-free world. This requires renewed political will by the international community towards accelerated progress on nuclear disarmament. We hope that all States will seize all opportunities towards this end.

The Group welcomes the convening and the results of the high-level meeting of the General Assembly on nuclear disarmament on 26 September 2013, and reaffirms its related resolution 68/32 to follow up that meeting. As the Secretary-General of the United Nations rightly mentioned in the Conference on Disarmament last year, "the high-level meeting of the General Assembly on nuclear disarmament demonstrated that this issue remains a major international priority and deserves attention at the highest levels". In this vein, the Group fully supports the goals of this resolution, in particular its call for an urgent decision by the Conference on Disarmament to commence negotiating nuclear disarmament, particularly a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction. In this context, the Group recalls its working paper contained in CD/1999 and also welcomes the decision to convene, no later than 2018, a United Nations high-level international conference on nuclear disarmament to review the progress made in this regard.

The Group reaffirms the importance of the multilateral disarmament machinery. It notes the report of the Open-Ended Working Group mandated by the United Nations General Assembly to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons and

hopes that it will contribute towards negotiations on nuclear disarmament in the Conference on Disarmament, particularly a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction. To this end, the Group welcomes United Nations General Assembly resolution 69/41, which recognizes that the Open-Ended Working Group engaged in an open, constructive, transparent and interactive manner to address various issues related to nuclear disarmament.

The Group expresses its deep concern over the immediate, indiscriminate and massive death and destruction caused by any nuclear weapon detonation and its long-term catastrophic consequences for human health, the environment and other vital economic resources, thus endangering the life of present and future generations. In this regard, the Group believes that the full realization of the catastrophic consequences of nuclear weapons must underpin all approaches, efforts and international commitments towards nuclear disarmament, through an inclusive process involving all States.

The Group concurs with the United Nations Secretary-General that there is growing understanding of the catastrophic humanitarian consequences of any use of nuclear weapons, and in this regard welcomes the hosting of the conferences on this subject convened in Oslo on 4 and 5 March 2013, in Mexico on 13 and 14 February 2014 and in Vienna on 8 and 9 December 2014.

The members of the Group of 21 which are States parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) welcome the spirit of the findings of the conferences on the humanitarian impact of nuclear weapons, together with the pledge and national statements made by many States during and since the Vienna conference aimed at securing progress on nuclear disarmament through the negotiation of legally binding effective measures, particularly a comprehensive convention on nuclear weapons, with a specified framework of time. The members of the Group of 21 which are States parties to the NPT call on all nuclear-weapon States parties to the NPT to implement their unequivocal undertaking to accomplish the total elimination of their nuclear arsenals, leading to nuclear disarmament, to which all States parties are committed to under article VI. Given the catastrophic humanitarian consequences and unacceptable risks and threats associated with a nuclear weapon detonation, the members of the Group of 21 which are States parties to the NPT will endeavour to cooperate with all relevant stakeholders in efforts to prohibit and eliminate nuclear weapons.

The Group, stressing its strong commitment to nuclear disarmament, underscores the urgent need to commence negotiations on this issue in the Conference on Disarmament without delay. In this context, the Group reaffirms its full readiness to start negotiations on a phased programme for the complete elimination of nuclear weapons, including a nuclear weapons convention prohibiting the development, production, stockpiling and use of nuclear weapons and on their destruction, leading to the global, non-discriminatory and verifiable elimination of nuclear weapons, with a specific framework of time.

In this regard, the Group emphasizes that fundamental principles of transparency, verification and irreversibility shall be applied to all nuclear disarmament measures.

The Group reaffirms that nuclear disarmament and nuclear non-proliferation are substantively interrelated and mutually reinforcing.

The Group emphasizes that progress in nuclear disarmament and nuclear non-proliferation in all its aspects is essential to strengthening international peace and security. The Group reaffirms that efforts towards nuclear disarmament, global and regional approaches and confidence-building measures complement each other and should, wherever possible, be pursued simultaneously to promote regional and international peace and security.

The Group reaffirms that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons. Pending the achievement of the complete elimination of such weapons, the Group reaffirms the urgent need to reach early agreement on a universal, unconditional and legally binding instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. The Group also calls for the commencement of negotiations in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, in accordance with United Nations General Assembly resolution 69/69.

The Group expresses its concern about strategic defence doctrines of nuclear-weapon States and a group of States which set out rationales for the use or threat of use of nuclear weapon. In this regard, there is therefore a genuine and urgent need to eliminate the role of nuclear weapons in strategic doctrines and security policies to minimize the risk that these weapons will ever be used again and to facilitate the process of their elimination. In this regard, the Group recalls its strong support of the objectives of United Nations General Assembly resolution 69/40 of 11 December 2014 entitled "Reducing nuclear danger", as well as United Nations General Assembly resolution 69/42 of 11 December 2014 on "Decreasing the operational readiness of nuclear weapons systems".

The Group stresses the significance of achieving universal adherence to the Comprehensive Nuclear-Test-Ban Treaty, including by all nuclear-weapon States, which, inter alia, should contribute to the process of nuclear disarmament. The Group reiterates that if the objectives of the Treaty were to be fully realized, the continued commitment of all States signatories, especially the nuclear-weapon States, to nuclear disarmament would be essential.

The Group reaffirms the absolute validity of multilateral diplomacy in the field of disarmament and non-proliferation, and expresses its determination to promote multilateralism as the core principle of negotiations in these areas. In this regard, the Group strongly supports the objectives of United Nations General Assembly resolution 69/54 of 11 December 2014 on the "Promotion of multilateralism in the area of disarmament and non-proliferation".

The members of the Group of 21 which are States parties to the NPT express their disappointment and deep concern that three States parties, including two States that bear special responsibility as NPT depositaries and co-sponsors of the 1995 NPT Review and Extension Conference resolution on the Middle East, blocked consensus on the draft outcome documents of the ninth NPT Review Conference, including the process to establish a Middle East zone free of nuclear weapons and all other weapons of mass destruction, as contained in the 1995 resolution on the Middle East. This could undermine efforts towards strengthening the NPT regime as a whole. The members of the Group of 21 which are States parties to the NPT reaffirm that the 1995 resolution on the Middle East continues to constitute the basis for the establishment of such a zone and that the 1995 Resolutions remain valid until fully implemented. The members of the Group of 21 which are States parties to the NPT also express their serious concern over the lack of implementation of the 1995 resolutions and, in accordance with paragraph 6 of the resolution, call upon all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction, and reaffirm that the co-sponsors of the resolution must take all the necessary measures to fully implement it without further delay. The members of the Group of 21 which are States parties to the NPT express their utmost concern that the persistent lack of implementation of the 1995 resolutions, contrary to the decisions made at the relevant NPT Review Conferences, erodes the credibility of the NPT and disrupts the delicate balance among its

three pillars, taking into account that the indefinite extension of the treaty is inextricably linked to the implementation of the 1995 resolution on the Middle East. In this context, the members of the Group of 21 which are States parties to the NPT reaffirm the urgency of Israel's accession to the Treaty without further delay and the placement of all its nuclear facilities under comprehensive International Atomic Energy Agency safeguards.

The Group also wishes to reaffirm the inalienable right of each State to develop nuclear energy research, production and use for peaceful purposes without discrimination.

The Group reiterates its readiness to make constructive contributions to the work of the Conference, and in this regard wishes to recall the contents of documents CD/36/Rev.1; CD/116; CD/341; CD/819; CD/1388; CD/1462; CD/1570; CD/1571, CD/1923, CD/1938, CD/1959 and CD/1999 presented by the Group towards this end.

The Group takes note of the substantive and interactive informal discussions on nuclear disarmament held in the Conference on Disarmament from 21 to 23 May 2014 under the schedule of activities of the 2014 session contained in document CD/1978.

In view of the Group's strong commitment to nuclear disarmament and a world free of nuclear weapons, the Group reiterates the following concrete steps:

First, reaffirmation of the unequivocal commitment of the nuclear-weapon States to accomplish the complete elimination of nuclear weapons.

Secondly, elimination of the role of nuclear weapons in security doctrines.

Thirdly, adoption of measures by nuclear-weapon States to reduce nuclear dangers, such as de-alerting of nuclear weapons and decreasing the operational readiness of nuclear weapons systems.

Fourthly, negotiation of a universal, unconditional and legally binding instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

Fifthly, negotiation of a convention on the complete prohibition of the use or threat of use of nuclear weapons.

Sixthly, negotiation of a nuclear weapons convention prohibiting the development, production, stockpiling and use of nuclear weapons and on their destruction, leading to the global, non-discriminatory and verifiable elimination of nuclear weapons with a specified framework of time.

To conclude, the Group of 21 welcomes with satisfaction the designation of 26 September 2014 as the first International Day for the Total Elimination of Nuclear Weapons devoted to furthering this objective, including through enhancing public awareness and education about the threat posed to humanity by nuclear weapons and the necessity for their total elimination, in order to mobilize international efforts towards achieving this goal.

The President: I thank the Ambassador of Indonesia on behalf of the Group of 21. The floor is open for requests, and I have Myanmar on my list. Ambassador, you have the floor.

Mr. Wai (Myanmar): First of all, my delegation would like to align ourselves with the statement just delivered by the Permanent Representative of Indonesia on behalf of the Group of 21 on nuclear disarmament. Mr. President, please allow me to convey a note of thanks to you and your delegation for what you have done during your presidency. From my delegation's perspective, your presidency has been a success in terms of outreach, coordination, dedication, focus and vision. You have contributed a lot, you have contributed considerably in all these areas. So thank you once again and of course, congratulations.

The President: I thank the Ambassador of Myanmar particularly for his kind words addressed to the Chair, and let me say for my side, it was a pleasure to work with you in the framework also of the group of six Presidents. Are there any further requests for the floor? I have the United States. Please Sir, you have the floor.

Mr. Buck (United States of America): Mr. President, on behalf of my delegation, I would like to take this opportunity also to thank you for all your leadership and efforts during the Dutch presidency. I think my delegation has found the additional informal structured discussions particularly useful to advancing our work. I had not planned to take the floor this morning, but I did want to respond to some of the content of the statement delivered by the Ambassador of Indonesia on behalf of the Group of 21, and specifically with regard to their assessment of a portion of the disarmament agenda, and that is specifically the Nuclear Non-Proliferation Treaty (NPT) Review Conference outcome.

We share the disappointment of many member States that the NPT Review Conference ended without agreement, and in particular did not identify a consensus-based approach towards convening a conference on a Middle East weapons-of-mass-destruction-free-zone. This was not for lack of intensive United States and other efforts. Such zones can only succeed if they are based on arrangements freely arrived at among the States of the region. This is a principle adopted by the United Nations Disarmament Commission in 1999. Coercive measures are not a productive avenue to advance that goal.

The United States remains unwavering in its support of the Nuclear Non-Proliferation Treaty and for achieving peace and security of a world without nuclear weapons, and despite the lack of an agreed outcome at the recent Review Conference, we believe much progress was made to advance discussion on each of the NPTs three pillars: non-proliferation, disarmament and peaceful uses of nuclear energy.

The President: I thank you for your statement and your kind words. Any further requests for the floor? I have New Zealand. You have the floor, Madam.

Ms. Higgie (New Zealand): Thank you very much, first of all, to the coordinator of the Group of 21, Ambassador Triyono Wibowo. Thank you for your statement. The purpose of my remarks is something less profound than what you have said in your statement, much of which the delegation of New Zealand of course agrees fully with. But this is an opportunity to thank New Zealand's predecessor in the role of the presidency and indeed, more broadly, to thank all the members of the group of six Presidents, those five of our colleagues who have gone before New Zealand.

New Zealand takes over the presidency next Monday. Needless to say, we look forward to this strongly. The phrase that comes to mind is the phrase I learned in my Latin classes in high school that is said by gladiators as they go into the Colosseum. It's something like "We who are about to die salute you". Now, of course, in our forthcoming role to draft and adopt the Conference's report, of course that's not the equivalent to being a gladiator and going into the Colosseum, because we have the support of all delegations here. We thank in advance all delegations here for their help in assisting New Zealand to bring to fruition the task we have as the final President of the year. But at this point, allow me to pay tribute to my colleague, Henk Cor van der Kwast. Thank you very much Ambassador, for what you have done in your role as President, and to our other four predecessors before you. Thank you very much Henk Cor, and of course we rely on your full assistance in helping us to get the report adopted.

The President: Thank you for kind words but also for your courage already shown here, and we wish you, obviously, good luck with this heavy task. I now have Ambassador Varma from India. You have the floor, Ambassador.

Mr. Varma (India): Mr. President, we would also like to join others in thanking you as you come to the final phase of your presidency. We, for one, greatly enjoyed the activism and energy that you injected into the work of the Conference, and would like to thank you and your delegation for leading this process. We would also like to take this opportunity to thank the distinguished Ambassador of Myanmar for his leadership of the Conference before the presidency of the Netherlands.

India fully associates itself with the statement made by the Ambassador of Indonesia on behalf of the Group of 21. This is yet another instance in which the Group of 21 has played an active role in the Conference, by putting forward group statements and also specific proposals that should be taken into account as the Conference goes forward with its work. Of course, this statement reinforces the statement earlier made by the Group on the high-level meeting on nuclear disarmament, which of course remains a priority for the group.

Mr. President, let me turn very briefly to the letter that you had circulated, providing your impressions of the informal discussions that took place. We thank you for organizing those discussions. These discussions of course were useful. They allowed delegations, particularly those who actively participated in them, to benefit from a useful exchange of views. However, we should mention that these were non-binding and without prejudice to the position of delegations in the Conference, and should of course have no correlation to the structured and formal discussions that the Conference undertook, subject to a specific decision of the Conference. We would also like to mention that the points you have elaborated in your letter, of course, contain your own perceptions on what transpired. There could be other points as well, but we take it that these are not binding on us or any other delegation. We would also like to recall that the Conference had an opportunity to take a decision in adopting the most of the co-chair of the informal working group, the Ambassador of Finland, on the work of the group, which was of course done under your presidency, which was I think a major step forward. That in our view constitutes the shared understanding of the Conference on how we wish to move forward in the future. Of course your letter would only be a further input to further discussions without their being binding on any delegation. I wish to emphasize this while thanking you once again for your leadership of this Conference at an important juncture.

The President: Thank you, and your point is of course very relevant. It is not binding on anybody, they are just suggestions. I underline that. I have the colleague from Nigeria. You have the floor, Sir.

Mr. Gbemudu (Nigeria): Mr. President, the delegation of Nigeria would like to thank you for your tenure. We were delighted to have worked with you and we appreciate how you handled the discussions in the plenary and the informals. We look forward to working with you in future. We have learned a lot, and Nigeria will be in that hot seat early next year, so some of the experience we will put to work.

The President: I have the Republic of Korea. Mr. Ahn, you have the floor.

Mr. Ahn Young-jip (Republic of Korea): Mr. President, I would like to join others to express my sincere appreciation to you for your efforts during the series of informal meetings on four core agenda items as well as other issues, which we did not have much focus on before. Through our discussions, I believe that we could now have a better understanding on the contents of issues and the positions of each delegation, and this provides an important basis for future negotiations. My delegation believes that the way you framed the discussions was very useful, and the experts that you invited raised more major points on each subject. Each was followed by interactive discussions with delegations. Regardless of whether we agreed with their points or not, it is true that their argument triggered interactive discussions in the Conference. It brings us back to one of

your points made in your e-mail that was sent to us yesterday, that we could have more in-depth exchanges of views with the participation of scientific and technical experts on specific topics if we draw up a schedule of activities well in advance at the beginning of the annual session. It would be very helpful to plan out the participation of each delegation with experts from capitals or even outside, such as academia. It is well-established practice in other forums, so we find no difficulty in this proposal.

With regard to other points, which include considering the possibility of elaboration of certain elements of treaties, negotiating politically binding measures and concerning First Committee resolutions that require our actions or deliberations in the Conference, I believe that such discussions are already taking place in the context of informal discussions under the schedule of activities. We need to note, however, that such discussions on specific aspects of negotiations cannot be held in isolation. Along these lines, we are of the view that such deliberations should be incorporated into the way that each President, coordinator or co-chair structures the discussions during the meetings. In this sense, the planning of the Dutch presidency sets a good precedent for future Presidents. At the same time, it raised the bar in terms of what kind of role we can expect Presidents to play in our deliberations. It is our sincere hope that we could build on our discussion in the future, keeping the spirit of constructive engagement alive in this chamber. Finally, we expect more exemplary leadership from New Zealand from next week.

The President: Are there any further requests for the floor in this part of the meeting? If that is not the case, I would like to adjourn this formal meeting and move to an informal setting, where there is again room for discussion of those proposals or other things, if you like. And I would like to draw to your attention that as published in document CD/2021, the next formal plenary meeting will be held on Tuesday, 25 August, at 10 a.m. under the presidency of New Zealand. We wish them good luck and we look forward to that.

This meeting is adjourned, and now I would like to give the technical colleagues some time to arrange the things they need. I would propose that we restart in an informal setting in five minutes.

The meeting rose at 10.55 a.m.

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